

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VIRGINIA BARRERA

vs.

MTC, INC. d/b/a MI TIERRA CAFÉ
AND BAKERY d/b/a LA MARGARITA
RESTAURANT & OYSTER BAR, and
d/b/a RESTAURANTE PICO DE GALLO

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CIVIL ACTION
NO. 5:10-CV-665 XR

DEFENDANT'S SUBMISSION OF ATTORNEYS' FEES AND EXPENSES

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE:

NOW COMES MTC, INC. d/b/a MI TIERRA CAFÉ AND BAKERY d/b/a LA MARGARITA RESTAURANT & OYSTER BAR, and d/b/a RESTAURANTE PICO DE GALLO ("Defendant" or "MTC"), Defendant in the above-referenced matter, and pursuant to the Magistrate's Memorandum and Recommendation, dated February 16, 2012 (the "Magistrate's Recommendation"), submits this its Designation of Attorneys' Fees and Expenses, and in support thereof respectfully shows as follows:

1. The Magistrate's Recommendation recommends granting Defendant's Motion for Sanctions, and that Plaintiffs Andrade and Molina pay Defendant's reasonable expenses, including attorneys' fees, incurred by Defendant in preparing for and attending the depositions, as well as in preparing the Motion for Sanctions, because of their failure to appear for their depositions. [Dkt. 71 at 4.]
2. As shown by the attached evidence of Defendant's counsel (COX SMITH MATTHEWS INCORPORATED and DAVIS, CEDILLO & MENDOZA, INC.), Defendant incurred a total of \$3,379.00 in

attorneys' fees in preparing for and attending the depositions, as well as drafting its Motion for Sanctions, among other necessary tasks, and incurred a total of \$451.75 in costs for a grand total of \$3,830.75. Defendant therefore requests that the Court order Plaintiffs Andrade and Molina to pay this sum within fourteen (14) calendar days of the Court's subsequent order, or such other period of time as the Court finds appropriate.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court order, in accordance with the Magistrate's Memorandum and Recommendation, dated February 16, 2012, Plaintiffs Andrade and Molina pay the above-identified sum to Defendant within fourteen (14) calendar days. Defendant further requests such other relief, at law or in equity, to which it may be justly entitled.

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ATTORNEYS FOR DEFENDANT,
MTC, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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